

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN)
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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN)

*Burlingame v. Bin Laden, et al.*, 02-cv-7230 (GBD)(SN)

*Bauer et al. v. al Qaeda Islamic Army, et al.*, 02-cv-7236 (GBD)(SN)

*Schneider et al. v. Islamic Republic of Iran*, 02-cv-7209 (GBD)(SN)

**DECLARATION OF ANDREW J. MALONEY, III, ESQ.  
IN SUPPORT OF ASHTON PLAINTIFFS' MOTION TO CORRECT**

I, ANDREW J. MALONEY, III, Esq., pursuant to 28 U.S.C. § 1746, hereby state under penalty of perjury that:

1. I am an attorney representing the *Ashton* Plaintiffs in the above-referenced matters, and I submit this Declaration in support of the *Ashton* Plaintiffs' Rule 60(a) Motion to Correct a clerical error to the Declaration of Andrew J. Maloney, III, Esq. and the Proposed Order filed November 4, 2022 at ECF Nos. 8715-2, 8715-3, 8716-2, and 8716-3, 02-cv-6977, ECF Nos. 1827-2, 1827-3, 1828-2, and 1828-3, 02-cv-7236, ECF Nos. 203-2, 203-3, 204-2, and 204-3, 02-7230, ECF Nos. 259-2, 259-3, 260-2, and 260-3, 02-7209, ECF Nos. 95-2, 95-3, 96-2, and 96-3.<sup>1</sup>

2. On November 4, 2022, the *Ashton* Plaintiffs filed a Motion to Add Additional Parties against the Taliban supported by my Declaration with exhibits ("Maloney Declaration") and a Proposed Order to Add Additional Plaintiffs against said defendant with accompanying

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<sup>1</sup> References to MDL docket entries found at 03-md-1570 (S.D.N.Y.) are noted only by ECF number and references to individual civil case docket entries are preceded by the case number.

exhibits. ECF Nos. 8713, 8714, 8715, 8715-1, 8715-2, 8715-3, 8715-4, 8716, 8716-1, 8716-2, 8716-3 and 8716-4, 02-cv-6977, ECF Nos. 1825, 1826, 1827, 1827-1, 1827-2, 1827-3, 1827-4, 1828, 1828-1, 1828-2, 1828-3, and 1828-4, 02-cv-7236, ECF Nos. 201, 202, 203, 203-1, 203-2, 203-3, 203-4, 204, 204-1 204-2, 204-3, and 204-4, 02-7230, ECF Nos. 257, 258, 259, 259-1, 259-2, 259-3, 259-4, 260, 260-1, 260-2, 260-3, and 260-4, 02-7209, ECF Nos. 93, 94, 95, 95-1, 95-2, 95-3, 95-4, 96, 96-1, 96-2, 96-3, and 96-4.

3. Today I became aware of minor clerical error in Exhibits B and C supporting the *Ashton* Plaintiffs' motion which is pending before this Court. The two exhibits were inadvertently interposed. The plaintiffs listed in Exhibit B should name the *Bauer* group of *Ashton* Plaintiffs, but instead name the *Burlingame* group of *Ashton* Plaintiffs, and vice versa.

4. The corrections requested by *Ashton* Plaintiffs are simply clerical in nature and will not in any way change the Court's disposition of their pending motion. Fed. R. Civ. P. Rule 60(a) applies primarily to errors or omissions committed by an attorney or the court which are not apparent on the record. *See In re Merry Queen Transfer Corp.*, 266 F. Supp. 605 (E.D.N.Y. 1967). To aid the Court in its consideration of the *Ashton* Plaintiffs' pending Motion to Add Additional Plaintiffs against the Taliban, attached as Exhibits 1 and 2 to this Declaration are the corrected Exhibits B and C that may be respectfully substituted in place of the those submitted with the November 4, 2022 Maloney Declaration and the Proposed Order found at ECF Nos. 8715-2, 8715-3, 8716-2, and 8716-3, 02-cv-6977, ECF Nos. 1827-2, 1827-3, 1828-2, and 1828-3, 02-cv-7236, ECF Nos. 203-2, 203-3, 204-2, and 204-3, 02-7230, ECF Nos. 259-2, 259-3, 260-2, and 260-3, 02-7209, ECF Nos. 95-2, 95-3, 96-2, and 96-3.

5. For the foregoing reasons, *Ashton* Plaintiffs respectfully request that the Court grant the within motion and Order that the corrected Exhibits B and C attached hereto be

substituted in place of Exhibits B and C to the Declaration of Andrew J. Maloney, III, Esq., and Exhibits B and C to the Proposed Order.

Dated: New York, New York  
November 7, 2022

/s/ Andrew J. Maloney  
Andrew J. Maloney